

# **COLORADO STATE BOARD OF PHARMACY**

**March 15, 2012**

## **Minutes**

The Colorado State Board of Pharmacy meeting was convened by President Jeannine Dickerhofe, R.Ph., at approximately 8:36 a.m. on Thursday, March 15, 2012 at 1560 Broadway, Conference Room 110 D, Denver, CO 80202. Notice of this meeting was given in accordance with Division of Registrations Policy Number 80-17.

Board members attending were: Mary K. Arceneaux, R.Ph.; Jeannine Dickerhofe, R.Ph.; E. Katherine Edelblut, R.Ph.; Paul Limberis, R.Ph.; Luis A. Rivera-Lleras, R.Ph.; and Averil Strand, R.N.

Staff members attending were: Wendy Anderson, R.Ph., Program Director; Chris Gassen, R.Ph., Chief Inspector; Susan Martin, R.Ph., Inspector; Mark O'Neill, R.Ph., Inspector; Lisa Cornett, R.Ph., Inspector; and Linda Acosta, Complaint and Licensing Specialist. Also present was Jo Kaye, Assistant Attorney General, to advise the Board.

## **APPROVAL OF THE MINUTES**

The Board approved of the minutes from the January 19, 2012, February 6, 2012 and February 16, 2012 meetings as amended.

## **APPEARANCES**

Maureen Hartlaub, Program Director of the Colorado State Board of Optometry and the Nurse-Physician Advisory Task Force for Colorado Health Care, and Marschall Smith, Program Director of the Colorado Medical Board, provided a medical marijuana training overview to the Board.

## **HEARINGS**

The Board conducted a public hearing concerning an amendment to Rule 14.00.00 (3 CCR, 719-1). The hearing began at 9:30 a.m. and was held in Conference Room 110 D at 1560 Broadway, Denver, Colorado 80202. The Board discussed the proposed amendment to the rule, and then adopted Rule 14.00.00 as proposed.

## **REPORTS**

### **President's Remarks**

Jeannine Dickerhofe reported that the New Mexico Board of Pharmacy has experienced challenges in obtaining enough pharmacists to participate in a peer review study to determine the value of Continuing Professional Development (CPD). Ms. Anderson added that she will bring information regarding the Division of Registration's Continued Competency Program currently in use by other boards and programs to a future meeting.

Ms. Dickerhofe also thanked Katherine Edelblut and Averil Strand for their continued participation on the Board while it awaits future member appointments.

### **Program Director's Report**

Ms. Anderson presented proposed amendments to Board Rule 3.01.00 regarding packaging. After careful consideration of the available information, the Board voted unanimously to refer the proposed amendments to a future rules hearing.

With Paul Limberis recused, Ms. Anderson presented Children's Hospital Colorado Pharmacy's proposal for its hospital residency program pursuant to CRS 12-22-116.5(1) and a proposed new Board policy (Policy 40-9) regarding approved hospital residency programs. After serious consideration of the available information, the Board voted unanimously to approve Children's Hospital Colorado Pharmacy's hospital residency program, and to table further consideration of the proposed Board Policy 40-9 pending receipt of additional information.

With Jeannine Dickerhofe recused, Ms. Anderson presented proposed amendments to Board Rule 8.00.00 regarding prescription labeling (as it pertains to central prescription processing) and Board Rule 20.00.00 regarding central prescription processing. After careful consideration of the available information, the Board voted unanimously to refer the proposed amendments to both rules to a future rules hearing.

#### **Colorado Pharmacists Society (CPS) – Paul Limberis, RPh**

The CPS Legislative Committee has been actively involved in the drafting of the Pharmacy Sunset bill, and amendments have been adopted as a result of CPS' testimony at the Pharmacy Sunset hearing before the House Health and Environment Committee. CPS will continue to monitor and lobby this bill throughout the legislative process.

A one hour continuing education (CE) course entitled "Pharmacy Safety and Security" was offered by CPS in Denver for pharmacists and pharmacy technicians on February 15 and 16, 2012.

The CPS Annual Summer Meeting and Fall Meeting are being combined into one 2012 CPS Annual Meeting and Exhibition to be held May 3 through 5, 2012 at the Cheyenne Mountain Resort in Colorado Springs, Colorado. Twelve hours of CE will be offered in dual tracks for health-system and community retail pharmacists.

CPS will again partner with the 9 Health Fair on April 21 through 29, 2012, and is helping Fair organizers obtain pharmacist volunteers for designated sites throughout Colorado.

#### **Governor's Expert Emergency Epidemic Response Committee (GEEERC) – Paul Limberis, RPh**

Paul Limberis reported that both he and Jeannine Dickerhofe have been assigned to serve on a GEEERC subcommittee to determine how controlled substances can be obtained during an emergency. To this end, Mr. Limberis reported that while portions of the Board's statutes would be suspended by executive order of the Governor during a declared emergency, the GEEERC will need to determine what the Drug Enforcement Administration's stance is regarding the receipt and distribution of controlled substances during a declaration of emergency.

#### **Intern & School Relations – Jeannine Dickerhofe, RPh**

Jeannine Dickerhofe reported on behalf of the Regis University School of Pharmacy that the school is preparing for the next site visit by Accreditation Council for Pharmacy Education (ACPE) surveyors.

No report was provided by the University of Colorado Denver School of Pharmacy.

**Legislation - Jeannine Dickerhofe, RPh**

Jeannine Dickerhofe provided the Board an update regarding the status of the Pharmacy Sunset bill and amendments to the bill. She also provided updates to SB 12-37 (regarding the electronic transmission of controlled substance prescription orders), HB 12-1242 (regarding biometric verification for all prescriptions prescribed and dispensed), and HB 12-1210 (regarding the ability of a person to practice a profession in Colorado based upon active licensure in another state).

**Inspectors**

**Belmar Pharmacy, PDO 73-18**

The Board reviewed an Agenda Memorandum from Ms. Cornett regarding the results of a recent Board inspection of Belmar Pharmacy. After due consideration of the available information, the Board voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously to table further consideration of this matter pending receipt of additional information.

**OLD BUSINESS**

**Complaints**

**Kaiser Permanente East Denver Pharmacy (PDO 153) regarding Case 2011-2394 and Kaiser Permanente Automated Refill Center Pharmacy (PDO 7-56) regarding Cases 2011-3543 & 2011-4206**

Jeannine Dickerhofe recused.

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding corrective actions taken by Kaiser Permanente as requested by the Board at its July 21, 2011 meeting, and voted unanimously to accept Kaiser Permanente's corrective actions.

**Licensing**

**Caraco Pharmaceutical Laboratories, Inc., WHO 7068**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Caraco Pharmaceutical Laboratories' out-of-state prescription drug wholesaler transfer of ownership application. After careful consideration of the available information, the Board voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously to approve the application, and directed staff to process the transfer of ownership application.

## **NEW BUSINESS**

### **Complaints**

**Adler, Stacy L., RPH 16428** **2012-2306**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

**Beaudry, John A., RPH 17649** **2012-2210**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

**Brian D. Bennett, RPH 18401** **2012-1969**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss this case as being without merit.

**Luong, Hong T., RPH 18908** **2012-2398**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

**Martinez, Polito E., Jr., RPH 12830** **2012-2308**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

**Rasmussen, Terry A., RPH 10057** **2012-2433**

E. Katherine Edelblut recused.

The Board voted unanimously to refer the case to Executive Session.

**Safeway Pharmacy # 0320, PDO 56-27** **2012-2078**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

**The Medicine Shoppe, PDO 24-30**

**2012-2634**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss this case as being without merit.

**Walgreen Pharmacy # 3589, PDO 79-20**

**2012-2076**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss this case as being without merit.

**Walgreen Pharmacy # 5645, PDO 82-8**

**2012-2048**

The Board voted unanimously to dismiss this case as being without merit.

**LICENSING/REGISTRATION**

**Civic Center Pharmacy, Nonresident Prescription Drug Outlet Applicant**

The Board reviewed an Agenda Memorandum from Ms. Acosta regarding Civic Center Pharmacy's nonresident prescription drug outlet application. After careful consideration of the available information, the Board voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously to deny the application and refer the matter for discipline. Grounds for denial were noted to include, but were not limited to, CRS 12-22-125(1)(a) and (c).

**Robert J. Doherty, Pharmacist Reinstatement Applicant**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Mr. Doherty's pharmacist reinstatement application. After careful consideration of the available information, the Board voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously to reinstate and suspend Mr. Doherty's pharmacist license under the conditions of the Stipulation and Final Agency Order he entered into with the Board effective February 12, 2008.

**Robert A. Governski, Pharmacist Reinstatement Applicant**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Mr. Governski's pharmacist reinstatement application. After careful consideration of the available information, the Board voted unanimously to refer the matter to Executive Session.

**Loren Priem, Pharmacy Intern Applicant**

The Board tabled further consideration of this application.

### **One Stop Pharmacy (OSP 5840), Change in Pharmacist Manager Application**

The Board reviewed an Agenda Memorandum from Ms. Acosta regarding One Stop Pharmacy's nonresident prescription drug application for a change in its pharmacist manager. After careful consideration of the available information, the Board directed staff to issue the registration.

### **MISCELLANEOUS**

#### **Correspondence, etc.**

#### **Anonymous Complaint**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding an anonymous complaint from a consumer regarding a pharmacist. After serious consideration of the available information, the Board voted unanimously to refer the matter to Executive Session.

#### **Self-Reported Pharmacy Security Issue**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding a self-reported security issue at The Kroger Co, KS 113.

After careful consideration of the available information, including a prior self-reported security issue at this in 2011, the Board directed The Kroger Co, KS 113 to provide a detailed plan within 30 days regarding how it will prevent such incidents from reoccurring in the future.

#### **Self-Reported Discipline in Another State**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding a self-reported discipline that Wickliffe Pharmaceutical, Inc. (OSP 5559) received from the Kentucky Board of Pharmacy in November 2011.

After serious consideration of the available information, the Board voted unanimously not to act on the information.

#### **Self-Reported Matter in Another State**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding a self-reported pending matter involving Abbey C. Beckett (RPH 15267) and the Missouri Board of Pharmacy. After careful consideration of the available information, the Board voted unanimously to refer the matter to Executive Session.

#### **Self-Report of Alleged Dispensing Error**

After serious consideration of the available information, the Board voted unanimously not to act on the information.

### **EXECUTIVE SESSION**

At 10:34 a.m., Board President Jeannine Dickerhofe, R.Ph. moved that the Board enter into Executive Session.

The motion was seconded. The vote was unanimous with five votes approving the motion to go into Executive Session and none opposing.

The Board exited Executive Session at 10:50 a.m.

At 12:46 p.m., Board President Jeannine Dickerhofe, R.Ph. moved that the Board re-enter into Executive Session.

The motion was seconded. The vote was unanimous with five votes approving the motion to go into Executive Session and none opposing.

The Board exited Executive Session at 2:00 p.m.

### **Open Session**

#### **Case 2012-2107**

The Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

#### **Case 2012-2415**

The Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

### **ADJOURNMENT**

The Board adjourned at 2:11 p.m.

*Approved by Jeannine Dickerhofe, R.Ph., President      Date: May 17, 2012*